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Office of the Secretary FCC  
TW-A306 FCC  
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Washington DC 20554

July 28 1999

Re/ Docket Number MM99-25

Regulations concerning low-power FM radio broadcasting

1) LPFM...NON-COMMERCIAL ONLY: Whereas an overwhelming percentage of the public airwaves are now dominated by commercial interests, there is a vast, unhealthy imbalance in public communications. To begin to correct this imbalance, Low Power FM must be utterly non-commercial. License fees must reflect this by assuring that fees are no impediment to acquiring licenses. To make it unaffordable for low income entities to have access to the public airwaves is no different than the long-ago prohibited Poll Tax which kept citizens from voting and participating in their own democracy. Similarly and relatedly, the public communications system must not be denied to anyone for reasons of money. In order for there to be informed voters and in order for the maximum number of citizens to participate in their own governing, the public airwaves...at least, for now, in the LPFM area...must be open for easy-access by those who are unable to participate in the public dialogue on unaffordable commercial outlets.

If commercial interests were allowed access to the LPFM bands, there would be no correction of the current imbalance. As it is now, poor and low-income citizens are denied access to the commercial airwaves; it would not be inconsistent to similarly prevent commercial interests from entering the non-commercial LPFM area. It is patently disingenuous to claim that the poor DO have access to the commercial airwaves if they can come up with the cash. One might as well say that an elephant can cross an ocean as soon as it grows wings. This is as much a Public Interest situation as is the Defense System which is provided for poor and low-income people as much as it is provided for the wealthy. In fact, public communications may be more of a defense against threats of more kinds than even the military. Many threats to income, property and even life come, as a matter of fact, from the very commercial interests which dominate the public airwaves and which wish to deny others their rights to respond.

2) ONE LPFM STATION PER LICENSE-HOLDER: It may not be the case that only low-income people care to broadcast on LPFM. Therefore, to prevent the domination of any one interest, be it domination via wealth or other sources of power, no one license holder should control more than one station. Even though a holder of multiple licenses may, indeed, desire to broadcast on the

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most diverse manner, the incentive to duplicate form and content is powerful. In order to avoid any problems regarding content, the diversity must exist in the diversity of license holders...one station per license holder.

3) As elected officials must reside in their own districts, so must LPFM license holders. The same reasons apply.

- a) This would increase local interest in the station.
- b) This would minimize outside influences that do not have the local interests at heart;
- c) Content of some programming would be more specifically of local interest that can best be understood by a local citizen.
- d) This would prevent the "absentee landlord" syndrome wherein the station might be allowed to deteriorate if the proprietor was not nearby to face questions and criticisms.

4) To minimize outside input and to maximize local input, pre-recorded or satellite feed programming must be limited. Others have suggested that this outside programming be limited to no more than 20% of airtime. This ought to be adequate for an otherwise-deprived community to hear some of the syndicated programs that find no place on commercial stations but which nevertheless have great relevance to local and international situations.

5) Wattage permitted must be appropriate to the area in which the station is located. That is...in a city, 100 watts would be usually sufficient to reach a great many listeners without interfering with other users of the airwaves. In rural areas, however, the wattage can be up to 1000 to reach outlying residences without interfering with any other user of public airwaves. Note that in some areas today there is absolutely no other FM station capable of being heard by an ordinary radio. One or more 1000 watt stations would increase the broadcast benefits 100%..

6) Problem resolution must be done at local levels to minimize the influence of often far-off and sometimes commercial-advocating entities at the FCC. The FCC should only be brought into disputes, in an open-door manner, in the most extreme cases.

7) Microbroadcasters who have, in the past, been penalized for infractions are often the most experienced and zealous proponents and managers of LPFM stations. They must not be penalized (again) by being denied rights to own a LPFM license. Further, their impounded equipment must be returned to them and their records cleansed of charges. Their "violations", after all, were only technicalities based on an out-of-balance system dominated by commercial interests. As an extreme precedent, please note that industries and even military contractors which have been convicted of decidedly NON technical crimes (illegal mining, toxic contamination, violations of all sorts of environmental, work-safety or product safety laws, theft, fraud, bribery and

so forth) have been rewarded with further government contracts, granted renewal of business licenses and even offered subsidies and tax-breaks. As we speak, convicted, criminal corporate entities are funding, supporting and enjoying great benefits from the Public Broadcasting System. A Double Standard is an injustice that has no place in the FCC or any public agency.

8) By way of some system of fund distributions or grants, communities must be permitted to have access to the LPFM spectrum regardless of availability of funds. This is to be a public system that must not depend on commercial or economic considerations. Even the poorest citizen is as much an owner of the airwaves as the wealthiest. Further, the listening public must not be denied the opportunity to hear the voice of the increasingly large low-income population simply because the poor "cannot afford" the equipment to broadcast. Higher income listeners may, possibly, contribute to support such stations but only after knowing of the station by its being on the air.

9) Businesses ought not be permitted to own LPFM licenses since this would inescapably defeat the purpose of non-commercial broadcasting. Business interests, further, are so responsive to political and economic forces that their ability to manage an open, unrestricted, honest, balanced station would be fatally compromised. Further, for development and maintenance of the listener's respect and trust, even the appearance or possibility of Business-Slanted programming must be eliminated since it would corrupt the listening experience. Business owners have a prime duty to their shareholders that all too often overrides concerns for customers or the general public. Non-commercial, non-profit organizations have no economic interests that would create such suspicion and distrust.

10) LPFM must be incorporated, when the time comes, into digital radio policies so that this new technology does not erase the open, public system.

11) Religious broadcasters are often financially able to operate more stations than non-religious, non-profit groups. There must be serious consideration given to certain facts:

- a) Many religions are international in scope and have access to extraordinary power and wealth...as do commercial enterprises;
- b) Many religious communities actively oppose the free, open broadcast or even publication of opposing viewpoints...as do commercial enterprises...whereas those with opposing viewpoints rarely, if ever, seek to silence the religious voices;
- c) Many religious groups wield what is called The Tyranny of the Majority to even override Constitutional protections of free speech.

Non-religious microbroadcasters cannot afford the time nor money

to rebuff every challenge to their air space. Some protection must be offered by the FCC to prevent financially powerful (although non-commercial) religious entities from shutting down or preventing the licensing of non-religious stations. If the Religious entities have questions or concerns, they can be addressed on their airwaves and then responded to on the others if the others so wish.

12) Licenses must be used to create broadcasting within a set, short period of time. This rule would prevent opponents of microbroadcasting or of certain microbroadcasters from simply keeping a license tied up and unavailable for anyone to use.

13) Stereo operations ought not be required. Stereo limits the range of broadcast and makes it more costly. It is not an aesthetic necessity for spoken word programs. If a station prefers higher quality music programming it may simply do what is necessary to employ stereo techniques.

14) First-time broadcast license applicants ought be given preference in licensing. This would prevent AM station licensees from simply moving their operations to another slot on the dial.

15) License holders must be allowed to keep their license in the same manner as current stations do...for as long as they want.

Above all, the LPFM spectrum must be non-commercial even to the point of prohibiting "shadow owners" from pretending to be non-commercial in order to keep others off the air. There are many groups in the country which pretend to be "grassroots" and purely "public interest" but which are created and funded by commercial interests. This must be forbidden by law in the area of LPFM. There would be no legitimate hardship on the commercial stations in this small step towards balancing the scales on the public airwaves but the hardship on non-commercial entities would be extreme if they were forced to "compete" in an economic arena where all the rules, and the referees, are slanted against them. Such "competition" is as absurd and illegitimate as a "competition" between a bear and a fish...on dry land...or between a bear and a shark, under water. Let the competition begin on the airwaves where both entities have comparable advantages. Could it be that some commercial enterprises know they cannot win on a level field? Do they believe that their operations are so illegitimate that even the smallest LPFM station is a threat to their enormous wealth and power? Is it in the public interest that such a commercial enterprise be perpetuated?

Thank you,



John Jonik